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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 4025

11 **JUAN FRANCISCO REYNOSA**
12 **716 Imogen Avenue, #5**
Los Angeles, CA 90026
13 **Pharmacy Technician Registration**
14 **No. TCH 55486**

A C C U S A T I O N

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

20 2. On or about March 3, 2004, the Board of Pharmacy issued Pharmacy Technician
21 Registration Number TCH 55486 to Juan Francisco Reynosa (Respondent). The Pharmacy
22 Technician Registration expired on April 30, 2011, and has not been renewed.

23 **JURISDICTION**

24 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
25 Consumer Affairs, under the authority of the following laws. All section references are to the
26 Business and Professions Code unless otherwise indicated.
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"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment. . . ."

REGULATORY PROVISION

8. California Code of Regulations, title 16, section 1770, states:

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare."

1 COST RECOVERY

2 9. Section 125.3 provides that the Board may request the administrative law judge to
3 direct a licensee found to have committed a violation or violations of the licensing act to pay a
4 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5 FIRST CAUSE FOR DISCIPLINE

6 (Convictions of Substantially Related Crimes)

7 10. Respondent is subject to disciplinary action under sections 490, 4300 and 4301,
8 subdivision (l), in conjunction with California Code of regulations, title 16, section 1770, in that
9 Respondent was convicted of crimes substantially related to the qualifications, functions or duties
10 of a licensee which to a substantial degree evidences his present or potential unfitness to perform
11 the functions authorized by his license in a manner consistent with the public health, safety, or
12 welfare, as follows:

13 a. On or about May 26, 2011, Respondent was convicted of one felony count of
14 violating Penal Code section 484(A) [Grand Theft by Embezzlement] in a criminal proceeding
15 entitled *The People of the State of California v. Juan Francisco Reynosa* (Super. Ct. Los Angeles
16 County, Case No. SA077314). The circumstances underlying the conviction are that between
17 January 10, 2010 and February 4, 2011, while employed as a pharmacy technician at CVS
18 Pharmacy, Respondent unlawfully stole dangerous drugs from his employer which he then resold
19 for profit.

20 b. On or about January 6, 2011, Respondent was convicted of one misdemeanor
21 count of violating Health and Safety Code section 23152(B) [Driving Under the Influence of
22 Alcohol] in a criminal proceeding entitled *The People of the State of California v. Juan Francisco*
23 *Reynosa* (Super. Ct. Los Angeles County, Case No. OMP13565). The circumstances underlying
24 the conviction are that on or around November 14, 2010, Respondent drove a vehicle with .18
25 percent or more, by weight, of alcohol in his blood stream.

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3. Taking such other and further action as deemed necessary and proper.

DATED:

6/1/12



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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